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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/751,485

Applicant(s)

SATO, TATSUHIRO

Examiner

Charles Shedrick

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) 3,4 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2617

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 8, 13,14, 16 and 18 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that claim 16 The Examiner compares the "service synchronous position information acquisition unit" of the present invention with the "first interface unit (15) of Takahiro. However, the first interface unit (15) receives position information that is limited to a service-asynchronous type (see, paragraphs 14 and 21). The difference data feeding server (20) of Takahiro, which the Examiner equates with the "service-asynchronous position information acquisition unit" (claim 16), is used for calibrating data indicating a position measurement result. The service asynchronous position information acquisition unit of the present invention conveys position information received from a service-asynchronous type information terminal into position information conforming to a protocol used by a service-synchronous type information terminal, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Takahiro teaches information terminals capable of service-synchronous (a system for announcing position information when a user actually receives a service using an information terminal through the internet, etc.) based on the disclosure of providing maps and location related

information to registered and authenticated users. Takahiro also teaches terminals capable of asynchronous type communication (i.e., a system that regularly or irregularly announces position information although the service is not requested). Accordingly paragraph 0021 and 0014 discusses “optional” uses of positional information not limiting the information asynchronous or synchronous as argued by Applicant.

Independent claims 13,14,16, and 18 also recite similar limitations and are therefore rejected based on the above reasoning.

Consider claim 8, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a signal-reception apparatus is confronted with n different signal-issuing information terminals (the issuing terminal number) : (receiving apparatus number) = n :1) and has to select from n position information signals.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Art Unit: 2617

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,5-7,9,11, 13,14, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takahiro JPO Patent Publication #11282863 A** in view of **Hiroshi et al. JPO Patent Publication # 06334703 A**.

Response to Amendment

Consider **Claims 1, 13,14, 18 and 19**, Takahiro teaches an apparatus, method, and computer readable storage medium which acquires position information about a user of plural types of information terminals (**paragraph 0013**), comprising: a service-asynchronous position information acquisition unit (i.e., regularly or irregularly announcing information although the service is not requested)(**paragraph 0021**) receiving data including position information from service-asynchronous information terminals that announce position information independently of requesting a service and that support plural types of different communications protocol and/or data format (i.e., the first user interface 15 in combination with unit 20 or alone performs the function of correcting single point positioning information received from an accessing user. It is possible for the use terminal to intentionally perform the above step or schedule the function via a timer. In other words at the users request or automatically)(i.e., **see at least abstract, paragraphs 0014 and 0021**); and a service-synchronous position information acquisition unit (i.e., unit 18 and 15 in combination or alone) receiving data including position information from service-synchronous information terminals (i.e., a system for announcing position information when a user 5 actually receives a service using an information terminal through the internet 1)

Art Unit: 2617

that announce position information when requesting a service and that support plural types of different communications protocol and/or data format (i.e., data server 18 holds various kinds of content for accessing users that are registered to receive the service. User can request position information via a registered service and obtain maps from per request from the data server. Multiple protocols are supported within the system 10 via the gateways 11,12, and 13 in combination or alone with various other components of the system)(i.e., see at least **paragraphs 0017 and 0018**); wherein said service asynchronous position information acquisition unit comprises a conversion unit converting the received data to the same format as data received by the service-synchronous position information acquisition unit (i.e., user accessing the information providing system according to difference data so as to convert the single-point positioning GPS information into relative positioning position information)(**paragraph 0014**); said service-synchronous position information acquisition unit further receives data converted by said conversion unit of said service-asynchronous position information acquisition unit (i.e., the information providing system may be configured so that the first interface unit sends a set of map data of an area near to the location corresponding to the corrected position information back to the user terminal)(**paragraph 0020**); and a position information extraction unit extracting position information about the user from the data transmitted from the information terminal in response to the determination result (i.e., see at least **paragraph 0014**).

However, Takihiro does not specifically teach wherein service-synchronous position information acquisition unit comprises a terminal determination unit determining a type of the information terminal depending on data transmitted from the information terminal of the user

according to which a communications protocol and/or data format is employed for the data transmitted from the information terminal.

In the same field of endeavor, Hiroshi et al. teaches a terminal determination unit **15 (figure 2)** determining a type of the information terminal depending on data transmitted from the information terminal of the user according to which a communications protocol and/or data format is employed for the data transmitted from the information terminal (**paragraph 0009**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Takahiro to include a terminal determination unit as taught by Hirosohi et al. for the purpose of customizing the invention to take full advantage of improvements.

Consider **claim 5** and as **applied to claim 1** above, Takahiro as modified by **Hiroshi et al.** teach an apparatus further comprising: a user authentication unit **19 (figure 1)** authenticating a user of a terminal which has announced position information using data from a service-synchronous information terminal (**paragraph 0014, 0016, 0018**), or data converted by the conversion unit **15 (figure 1)** (i.e., the first gateway) (**paragraph 0014**); and a position information storage unit **17 and 18 (figure 1)** storing position information extracted by the position information extraction unit together with information about the terminal determined by said terminal determination unit (**paragraph 0016**).

Consider **claim 6** and as **applied to claim 5** above, Takahiro as modified by **Hiroshi et al.** clearly disclose apparatus further comprising an application linking apparatus **11,12,13 (figure 1)** for link with an application of a service provider for providing a service for a user (**paragraph 0013 0014**), wherein said application linking apparatus can further comprise a

Art Unit: 2617

position information retrieval unit **15, 16 (figure 1)** for retrieving position information about a specified user by said position information storage unit **17 and 18 (figure 1)** in response to a request from the application of the service provider and for notifying the application side of the retrieved position information (**paragraphs 0014-0016, and 0020**) .

Consider **claim 7** and as applied to **claim 5** above, **Takahiro** as modified by **Hiroshi et al.** clearly disclose the apparatus wherein each time position information is announced from an information terminal of a user, said terminal determination unit can determine the type (i.e., notebook, desktop, or mobile user terminal) of information terminal, said position information extraction unit **15,16 (figure 1)** (i.e. user interface units) can extract position information (**paragraphs 0014,0015**), and said position information storage unit **17, 18 (figure 1)** can store latest position information and terminal information (**paragraph 0016**).

Consider **claim 9** and as applied to **claim 1** above, **Takahiro** as modified by **Hiroshi et al.** clearly disclose apparatus further comprising an application linking apparatus **11,12,13 (figure 1)** for link with an application of a service provider for providing a service for a user (**paragraph 0013, 0014**).

Consider **claim 11** and as applied to **claim 9** above, **Takahiro** as modified by **Hiroshi et al.** clearly disclose an apparatus comprising a position information reformat unit **15 (figure 1)** for receiving a request from a service provider, and reformatting position information about a user extracted by the position information extraction unit (**paragraph 0014**).

Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takahiro JPO Patent Publication #11282863 A** in view of **Hiroshi et al. JPO Patent Publication # 06334703 A** and further in view of well-known prior art MPEP 2144.03.

Art Unit: 2617

Consider **claim 2** and as applied to **claim 1** above, **Takahiro** as modified by **Hiroshi et al.** teach the apparatus further comprising an accounting unit **18 (figure 1)** performing a accounting process depending on an entry of a user to a system including the apparatus (**paragraph 0017**).

However, **Takahiro** as modified by **Hiroshi et al.** does not specifically teach charging a fee.

Nonetheless, the Examiner takes official notice that charging a fee is notoriously well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify **Takahiro** as modified by **Hiroshi et al.** to charge a fee according to the accounting process as taught by Well known prior art.

Consider **claim 12** and as applied to **claim 9** above, **Takahiro** as modified by **Hiroshi et al.** teach an apparatus comprising an accounting unit **18 (figure 1)** for performing a process for a service provider on the communications established between a service provider and the user by the link with the application (**paragraph 0017**).

However, **Takahiro** as modified by **Hiroshi et al.** does not specifically teach charging a fee.

Nonetheless, the Examiner takes official notice that charging a fee is notoriously well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify **Takahiro** as modified by **Hiroshi et al.** to charge a fee according to the accounting process as taught by Well known prior art.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takahiro JPO Patent Publication #11282863 A** in view of **Toru JPO Patent Publication# 10162033**

Consider **claim 16**, Takahiro clearly discloses a system **10 (figure 1)** of obtaining, managing, and using a status and a position of a user in an information terminal (**paragraph 0013**), comprising: a service synchronous position information acquisition unit **15 (figure 1)** (i.e., unit 18 and 15 in combination or alone) for acquiring position information about a service synchronous information terminal according to a first communications protocol which announces position information when a user requests a service (**paragraph 0015**); and a service asynchronous position information acquisition unit **20 (figure 1)** for acquiring position information about a service asynchronous information terminal which announces position information independently of requesting a service(i.e., the first user interface 15 in combination with unit 20 or alone performs the function of correcting single point positioning information received from an accessing user. It is possible for the use terminal to intentionally perform the above step or schedule the function via a timer. In other words at the users request or automatically)(i.e., see at least abstract, paragraphs **0014 and 0021**), converting the position information of the service asynchronous information terminal according to various communications protocol depending on the information terminal to position information according to the first communications protocol when the user requests a service (i.e., user accessing the information providing system according to difference data so as to convert the single-point positioning GPS information into relative positioning position information)(**paragraph 0014**), and transmitting the position information to the service

Art Unit: 2617

synchronous position information acquisition unit according to the converted first communications protocol (**paragraph 0014**), characterized in that said service synchronous position information acquisition unit comprises: a position information management unit **17** (**figure 1**) for managing the status and position information acquired according to the first communications protocol per user rather than per information terminal;

However, Takahiro does not clearly disclose an application link unit (i.e., notify system) capable of retrieving service information according to the status and position information about a user from a user database and notifying a service provider of the information.

In the same field of endeavor Toru discloses an application link unit (i.e., notify system)(**drawings 1 and 2**) capable of retrieving service information according to the status and position information about a user from a user database and notifying a service provider of the information (i.e., a technology is described for determining the present location, date, time, and place of a user and conducts an advising process only when the determined result matches a predetermined set of conditions) (**paragraphs 0006 –0010**).

Therefore it would have been obvious at the time the invention was made to modify the system of Takahiro to include an application link unit as taught by Toru to make the steps in the invention more efficient.

Consider **claim 17** and as applied to **claim 16**, Takahiro as modified by Toru clearly discloses the claimed invention wherein said absorbs the difference in the technology of the information terminal and the carrier, and acquires the position information about a user (i.e., via the gateways the service synchronous position information acquisition unit of the system can accept or absorb information from different devices such as notebooks, mobile terminals. the

Art Unit: 2617

service synchronous position information acquisition unit of the system. via the gateways the service synchronous position information acquisition unit can also absorb the difference in technology from the carriers such as the internet or wireless providers)(**paragraph 0013**)

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Takahiro JPO Patent Publication #11282863 A** in view of **Hiroshi et al. JPO Patent Publication # 06334703 A** and further in view of **Jacobson et al U.S. Patent # 6,466,796, B1**.

Consider **claim 8** and as applied to **claim 3** above, **Takahiro** clearly disclose the apparatus further comprising: a user authentication unit **19 (figure 1)** authenticating a user of a terminal which has announced position information (**paragraph 0014,0016, 0018**); and a position information storage unit **17, 18 (figure 1)** storing position information extracted by said position information extraction unit **15,16 (figure 1)** (i.e. user interface units) together with information corresponding to an authenticated user (**paragraphs 0014-0016,0018,0019**), wherein when position information is simultaneously announced from a plurality of information terminals of the user said position information storage unit **17, 18 (figure 1)** can store position information from an information terminal (**paragraph 0016**).

However, **Takahiro** does not clearly disclose a terminal determination unit determining a type of the information terminal depending on data transmitted from an information terminal of the user.

In the same field of endeavor, **Hiroshi et al.** clearly discloses a terminal determination unit **15 (figure 2)** determining a type of the information terminal depending on data transmitted from an information terminal of the user (**paragraph 0009**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Takahiro to include a terminal determination unit as taught by Hiroshi et al. for the purpose of customizing the invention to take full advantage of improvements.

Takahiro as modified by Hiroshi et al. clearly discloses the claimed invention except for a policy of prioritizing position information from the plurality of information terminals is set as a system operation environment; and prioritized by the policy.

In the same field of endeavor, Jacobson et al. clearly disclose a policy of prioritizing position information from which information terminal is set as a system operation environment; and prioritized by the policy (**abstract, figure 9, column 6 line 57 – column 7 line 22**)

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the apparatus of Takahiro to include the terminal determination unit as taught by Hiroshi et al. and further modify the invention to include a priority policy as taught by Jacobson et al. for the purpose of improving data quality and quantity.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Takahiro JPO Patent Publication #11282863 A** in view of **Hiroshi et al. JPO Patent Publication# 06334703 A** and further in view of **Toru JPO Patent Publication# 10162033**

Consider **claim 10** and as applied to **claim 9** above, Takahiro as modified by **Hiroshi et al.** clearly disclose the claimed invention except an event notification unit for receiving designation of a condition.

However, in the same field of endeavor Toru clearly show and disclose an event notification unit for receiving designation of a condition (i.e., a technology is described for determining the present location, date, time, and place of a user and conducts an advising process only when the determined result matches a predetermined set of conditions) (**paragraphs 0006 – 0010**)

Therefore it would have been obvious at the time the invention was made to modify the apparatus of Takahiro as modified by Hiroshi et al. to include an event notification unit as taught by Toru to make the invention more efficient.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2617


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621.

The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Shedrick
AU 2617
June 11, 2006


NICK CORSARO
PRIMARY EXAMINER